

REMARKS/ARGUMENTS

Claims 1-62 remain in this application, including independent claims 1, 16, 31, 46, and 52. The Final Action rejects claims 1-62 under 35 USC §103(a) as being unpatentable over by U.S. Published Application No. 20010049634 (the “Stewart” reference) in view of U.S. Patent No. 5,903,873 (the “Peterson” reference). Applicants submitted an Amendment dated January 25, 2006 (the “Amendment”), and subsequently received an Advisory Action dated February 23, 2005 continuing the rejection claims of 1-62 under 35 USC §103(a), noting that the Applicants’ arguments were not persuasive and failed to place the application in condition for allowance. Applicants respectfully disagree with this finding as being both legally incorrect and factually without merit.

Applicants suggest:

- A) There is no motivation to combine Stewart and Peterson under 35 USC §103(a) except to wrongly recreate in hindsight the present invention as embodied in claims 1-62.
- B) Stewart is non-enabling, and thus cannot be prior art under 35 USC §102/103
- C) Even if Stewart and Peterson could rightfully be combined, the combination of Stewart and Peterson fails to teach the each and every limitation of the present invention as embodied in amended claims 1-62.

A. There is No Motivation to Combine Stewart and Peterson

In the Final Action, it is argued that it would be obvious to combine Stewart and Peterson merely since both references are generally related to “facilitating transactions.” Applicants respectfully disagree with this finding.

According to its abstract, Stewart generally relates to “An on-line interactive network community for the integrated purchase and sale of metals, particularly steel.” As further discussed in its abstract, Stewart related to a private business-to-business network for selling steel. Stewart specifically teaches that the various disparate businesses are registered (for example at Paragraph 25) and that the registered businesses exchange proprietary business operation information (for example at Paragraphs 27-28), and confidential financial information (for example at Paragraphs 28-29). Essentially, Stewart represents a supply chain

tool particularly adapted to the steel market. Stewart addresses the problem of facilitating a transaction between different partners.

In contrast, Peterson discloses a method to allow remotely located individual insurance agents to register and communicate insurance transactions to an insurance company's central office in batch mode. These agents are employees or otherwise affiliated with the insurance company, and thus, are not customers or trading partners. Peterson addresses the problem of securely collecting and transferring confidential client information within a single business.

It is readily apparent that while Stewart and Peterson generally relate to the use of computer networks in commerce, the two reference related to different industries and to different technical and business problems. Therefore, Applicants urge that no motivation to combine the two references appears within the four corners of the references, and that the references, in fact, teach away from one another.

B) Stewart is non-enabling, and thus cannot be prior art under 35 USC §102/103

Applicants cannot understand and properly response to Stewart as it appears to be incomplete. Specifically, the specification of Stewart references FIGS 1-5, and only FIG. 1 appears in the published applications. Consequently, Applicants are confused as to the particular methodology and systems performed in Stewart, and cannot specifically respond except to discuss vague generalities. While it appears on the public PAIR system that the supplemental figures were submitted in Stewart, these figures are not available to the public. Applicants have attempted to understand the network structure described in the text of the Stewart reference but have had great difficulty in understanding the relationships of the various components and users in comparison to the present invention.

C. The Combination Of Stewart And Peterson Does Not Teach The Each And Every Claim Limitation

The final Office Action of October 25, 2005 rejected claims 1-62 under 35 USC §103(a) as being unpatentable over by U.S. Published Application No. 20010049634 (the "Stewart" reference) in view of U.S. Patent No. 5,903,873 (the "Peterson" reference). The rejection is respectfully traversed. As described in greater detail below, the present invention provides a unique network configure for allow individual consumers that are part of a larger networked entity to securely access personalized insurance information and to securely make

personalized insurance selections.

Stewart, as described in its abstract, provides an on-line interactive network community for the integrated purchase and sale of metals, particularly steel. The community provides an on-line supply chain of steel from raw products producers through the eventual end user customer for steel products. Buyer members and seller members after they have been qualified to participate and are assigned their unique member identifications, and sale of products, such as steel coils, by means of the electronic system. Buyer members are given the option to purchase steel products from an on-line product catalog by either an auction mechanism or a fixed-price product guide.

Peterson, as described in its abstract, discloses a system for registering insurance transactions and communicating the insurance transactions to a home office computer. Insurance agents use a portable computer to registering their transactions into a portable computer in the field and to communicate the insurance agent transactions to a home office computer which, in turn, processes the insurance agent transactions and transmits updated insurance information back to the portable computer.

To establish a prima facie case of obviousness, the prior art references must disclose or suggest all of the claimed features. MPEP 2143. Applicants respectfully submit that this criteria have not been met with respect to the rejected claims. Applicants urge that the combination of Stewart, as best understood, and Peterson does not teach the each and every claim limitation. For purposes of discussion, current Claim 1 is reproduced below, with reference numbers added for clarity:

Claim 1: A method facilitated by a computer network to accomplish a trusted insurance transaction between an insurance business entity and a plurality of individual networked insurance consumers forming a network entity, comprising the acts of:

i. providing an administrative server having a communications channel for electronically communicating with the insurance business entity and having a communications channel for electronically communicating with the networked entity and the networked insurance consumers;

ii. providing an insurance business registration system in the administrative server wherein the insurance business entity can be authenticated and a unique identifier is assigned to the insurance business entity (BEID), whereby the insurance business entity is designated a registered insurance business entity;

iii. allowing the registered insurance business entity to selectively access the administrative server to submit details of insurance products and/or services provided by the registered insurance business entity and to view selections made by the networked insurance consumers associated with said BEID wherein the administrative server will store the details of products and/or services provided

by the registered insurance business entity and wherein the registered insurance business entity may access a plan configurator hosted on the administrative server that allows the registered insurance business entity to modify said details of insurance products;

iv. providing a networked entity registration system in the administrative server wherein the networked entity can be authenticated, whereby the networked entity is designated a registered networked entity; and

v. providing a networked insurance consumer registration system in the administrative server whereby each of said networked insurance consumers who has authorized access to a registered networked entity's system can be designated a registered insurance consumer and assigned a unique registered insurance consumer identifier (RCID),

and vi. whereby each of said registered insurance consumers can access data provided by the registered insurance business entity and associated with said RCID and can make personal selections on the data, the selections being stored in the administrative server.

Thus, the present invention as embodied in claim 1, provides a method where: (i) there is an administrative server, (ii) the insurance business entity (i.e., an insurance carrier) registers with the administrative server, the (iii) the insurance company can access the administrative server to provide product information and to receive stored insurance orders from the customers and can access an interface to modify product offerings in response to feedback from the network entity, and (vi) allowing registered customers access to the insurance product information to view the product information and to select insurance products.

Applicants believe that claim elements iii. Is not found in either Stewart or Peterson since neither suggests an interface to assist a registered business entity to modify product offer in response to feed back from network entities and customers contained therein.

Applicants further urge that elements (iv) the separate registration of a network entity (i.e., the employer) formed by a plurality of the customers (i.e., the employees) and (v) registration of the customers authorized to use the registered network entity's system are not found in Stewart, and that Peterson does not make up for this deficiency.

In summary, the Applicants, in the last office action, urged that Stewart and Peterson references, either individually or in combination, do not teach or suggest for claimed "network entities" limitation of independent claims 1, 16, 31, 46, and 52. For example, Claim 1 of the present invention recites in part, "A method facilitated by a computer network to accomplish a trusted insurance transaction between an insurance business entity and a *plurality of individual networked insurance consumers* forming a network entity, comprising the acts of: providing an administrative server having a communications channel for

electronically communicating with the insurance business entity and having a communications channel for electronically communicating with the networked entity and the networked insurance consumers....”

As Applicants suggested previously, Stewart does not teach the claim limitation of communicating with both the networked entity and the networked insurance consumers since Stewart, for example at Paragraph 20, discloses a buyer that is synonymous with the corporate entity that buyer represents. In this way, the buyer disclosed in Stewart does not represent both a separate networked entity and plurality of individual networked insurance consumers as claimed. In contrast, the present invention requires a physical networking architecture that allows communication by both the networked entity and the individual consumers of that entity that is not disclosed in Stewart.

Applicant respectfully submit that the Action has misconstrued the terms 'networked entity'" and "networked insurance consumer." **The Final Action, for example, at page 3, discusses the registered customers and network entities as being one in the same, and Stewart, for example at Paragraph 20, discloses a buyer that is synonymous with the corporate entity that buyer represents.** Likewise, at page 9, in response to Applicants' previous arguments, the Final Action appears to argue that (1) there is confusion between the concepts of registered customers and network entities, and that the two are one in the same, even though Applicants have clearly defined two distinctly in the claims and specification. The Final Action further argued at page 10 that Peterson provides a system where a plurality of uniquely identified insurance agents can forward information to a central company, but Applicants urge that Peterson does not provide for a network entity formed by a plurality of customers in that the agents are not “customers” and that the insurance company cannot be both the “insurance business entity” and the “network entity” formed by the plurality of customers as specified in claim 1.

In paragraph 4, the Final Action appears to argue that the separate customers are inherent in a business (e.g., multiple buyers from the same company) but there is no suggestion in Stewart of separately registering different employees from the same company. Instead, Stewart, as best understood, uniquely identifies each company, as stated above.

As disclosed in the specification, a common example of a "networked entity" is "a corporation employing a large number of employees" where those employees have network access through the employer's secure network. (p. 13, lines 1-3). Where a networked entity is a corporation as above, a "networked insurance consumer" would be an employee who

receives insurance through her employer. (p. 13, lines 6-8) A "networked insurance consumer" is therefore a "networked consumer" who benefits from an insurance policy negotiated by a networked entity of which the networked consumer is a member. The networked entity negotiates the terms of the insurance policy with the business entity and pays for the policy directly to the business entity. (p. 17, lines 3-7, 18) The networked insurance consumer selects features of her policy (as allowed under the policy negotiated by the networked entity) and submits personal details to the business entity without revealing them to the networked entity. (p. 17, lines 12-16). A common example is a corporate employer who purchases a health insurance policy for its employees, where its employees can manage their health plans without sharing personal health information with their employer.

With reference to FIGS. 2 and 3 of the present application, a networked entity allows a plurality of networked consumers 25, 27 to securely access a network entity 17. The network entity 17, then securely accesses an administrative server 13, which in turn, further securely connects to a business entity 11. Applicants strongly believe that this 4 layer configuration is simply not present in either Stewart or Peterson.

As previously suggested, Stewart discloses an online store where a single buyer purchases from a single seller at an auction. The buyer in Stewart cannot be a networked entity purchasing and negotiating insurance for networked insurance consumers, and Stewart does not disclose a method for allowing networked insurance consumers to make personal selections with respect to the insurance purchased by a networked entity.

Similarly, Peterson discloses a method for individual insurance agents to register insurance transactions from a home office. In fact, Peterson actually teaches away from allowing networked insurance consumers to make personal selections on their policies from their own PCs.

The network structure of the present invention provides significant advantages that are not found in either Stewart or Peterson. Significantly, the present invention enables a network entity to negotiate with a variety of registered business entities producing products. The customer-workers never see these negotiations, but instead, only see the approved products, i.e., those products meeting the employment and business needs of the employer- network entity. The workers can then submit orders for approved products to the business entities. Key functions are performed by a single system and these functions include registration and verification of the various parties; receiving and storing product information; negotiations of the products by network

entity; providing an interface for the business entity to modify the product offers; displaying of the approved products; and acceptance, storage, and forwarding of product orders by customers.

For greater clarity regarding the differences between the business entity, the Applicants respectfully refer to FIGS. 16-18 the depict the various options available to, respectively, business entities, network entities, and networked consumers.

For example, As depicted in FIG. 16, a business entity may select from the following options:

1. Submit Details of Products/Services
2. Submit Details of Group Benefits Plan
3. Configure the Group Benefits Plan
4. See the List of Submitted Products/Services or Group Benefits Plans
5. View the List of Selected Products/Services
6. View the List of Selected Group Benefits Plans

Generally, choosing item 1 allows the business entity to submit details about general products and/or services which are not part of a group benefits plan and which do not need to be negotiated with the networked entity before being made available to networked consumers. Choosing item 2 allows the business entity to submit details about group benefits plans which do need to be negotiated with the networked entity. Choosing item 3 allows the business entity to configure a plan to meet the terms as negotiated with the networked entity. Choosing item 4 allows the business entity to see a list of submitted details for all products/services and group benefits plans. Choosing item 5 allows the business entity to see a list of products/services which have been selected for purchase by the networked consumers. Choosing item 6 allows the business entity to see a list of group benefits plans which have been negotiated and/or endorsed by the networked entity, and the endorsed group benefits plans which have been selected by the networked consumers.

To access these pre-negotiated plans, the networked entity accesses the home page of the administrator's Web site using its login ID and its password. The administrator matches the entered login ID and the password against its records in the databases, and if a proper match is found, then the administrator allows the networked entity to access the next Web page 650 of Figure 17 which provides the networked entity a choice of the following:

1. View the List of Products/Services
2. View the List of Pre-Negotiated Group Benefits Plans
3. View the List of Negotiated Group Benefits Plans
4. View the List Endorsed Group Benefits Plans

If item 1 is selected, then the networked entity is shown a list of business entities which have submitted details of products/services under the industry chosen. This list is generally available to any networked entity registered with the system and is not specific to any one particular networked entity. The list is also available to any registered networked consumers from any registered networked entity. If item 2 is selected, then the networked entity is shown a list of business entities which have submitted details of group benefits plans under the industry chosen which have not been negotiated or endorsed by the networked entity. This list is generally available to any networked entity registered with the system and is not specific to any one particular networked entity. If item 3 is selected, then the networked entity is shown a list of business entities that have submitted details of group benefits plans under the industry chosen which have been negotiated by the parties and configured by the business entity, but which have not been "endorsed" by the networked entity. This list is specific to the particular networked entity making the selection, and is not available to the other networked entities or any of the networked consumers. If item 4 is selected, then the networked entity is shown a list of business entities that have submitted details of group benefits plans under the industry chosen which have been "endorsed" by the networked entity. This list is specific to the particular networked entity making the selection, and is not available to the other networked entities, but is made available to the networked consumers belonging the networked entity that has endorsed the plans.

When the terms and conditions have been reached, the business entity accesses the Web page 600 of Figure 16 and selects item 3. The business entity is shown a list of the pre-negotiated group benefits plans it had submitted. The business entity selects the plan which had been the topic of the negotiation.

When selected, a registered business entity may access a **plan configurator interface hosted on the administrative as illustrated in Figure 13**. The plan configurator page (395) includes the basic information relating to the plan in its pre-negotiated form. In this way, the administrative server provides a secure n interface with the business entity to adapt its

product as needed in response to the negotiations with networked entity. Thus, the administrative server facilitates an online transaction by instantly allowing the networked entity to access updated plan terms, along with allowing the business entity to update plan data without requiring significant resubmission of plan data. Also, this the price configurator allows the business entity to customize the insurance plan and pricing according the electronically submitted desires of the network entity and the end customers.

When the plan information is submitted to the price configurator, the plan is deemed to have been negotiated (but not yet endorsed) which can now be viewed by the networked entity by choosing the option 3, 665, "View the list Negotiated Group Benefits Plans" of Figure 17. This option allows the networked entity to view the list of all of the group benefits plans which have been negotiated by the networked entity. Note that several GBPs may have submitted negotiated plans which are available for the networked entity's choosing. Once the networked entity has had an opportunity to review all of the negotiated plans, it can endorse the plan or plans which best meet its requirements. Because this list is specific to each networked entity, it is only available for viewing for the networked entity having the identifier which matches the one entered by the business entity in Figure 13 when the authentication process is performed.

When the networked entity is ready to endorse a plan or plans, it selects option 3,665, "View the list Negotiated Group Benefits Plans" of Figure 14, and selects one of the plans shown on the list. After a group benefits plan has been endorsed by the networked entity, the registered consumers 26 are able to make decisions on the plan. The registered consumer 26 would then be required to enter its login ID and its password. The administrator matches the entered login ID and the password against its record in the databases 16, and if a proper match is found, then the administrator allows the registered consumer to access the next Web page 700 of Figure 18 which provides the business entity a choice of the following:

1. View the List of Products and Services
2. View the List of Endorsed Group Benefits Plans

If item 1,705, is selected, then the registered consumer is shown a list of business entities which have submitted details of products/services under the industry chosen. This list is generally available to any registered networked entity¹⁷ and registered consumers and is not

specific to any one particular party. If item 2,710, is selected, then the registered consumer is shown a list of group benefits plans under the industry chosen which have been endorsed by the networked entity. This list is specific to the particular networked entity which the registered consumer is a member of, and is not available to the registered consumers that belong to other networked entities. When the registered consumer has chosen item 2, 710, (View the List of Endorsed Group Benefits Plans), the networked entity is shown a list of group benefits providers(GBPs) that have provided details of group benefits plans. When a particular GBP is chosen off the list, the networked entity is shown a Web page that can also be viewed by the networked entity by choosing item 4,670, on the Web page 650 of Figure 17.

If on the other hand, the registered consumer has chosen to View the List of Products and Services of Figure 18, and chosen an industry the networked entity is shown a list of business entities that have provided details of products and services. Once the selections of products/services and/or group benefits plans have been made by the networked consumers, the business entity needs to deliver the chosen products or perform the chosen services, and also to invoice the. if necessary. To view the list of products and/or services chosen by the networked consumers, the business entity chooses to view a list of the registered consumers that have selected a product/service for purchase. The list can alternatively be viewed by the products/services chosen rather than by consumers. For each of the items on the list, the details of the transaction are provided which can include, the date, purchased price, product/service identifier, networked consumer identifier, associated networked entity identifier, number of units purchased, etc. The information can be linked to an invoicing system such that the purchased items may be invoiced to the consumer making the purchase. Alternatively, the invoice may be sent to the associated networked entity if the payment is to be made through a special account the networked consumer has with the networked entity.

To view the selections made on the group benefits plans, the business entity selects item 6,630, from the Web page 600 of Figure 16. This selection shows the following choices:

1. View the List of Negotiated Group Benefits Plans
2. View the List of Endorsed Group Benefits Plans
3. View the List of Selected Group Benefits Plans

Choosing item 1 above shows a list of the group benefits plans which have been negotiated with the various networked entities, and which have been configured by the business entity. The business entity will have access to all of the group benefits plans belonging to the various

networked entities which the business entity took a part in. Choosing item 2 above shows a list of the group benefits plans which have been endorsed by the various networked entities. Choosing item 3 above shows a list of the registered consumers that have selected a group benefits plan. The list can alternatively viewed by the group benefits plans chosen. For each of the items on the list, a details of the transaction are provided which can include, the date, purchased price, group benefits plan identifier, networked consumer identifier, associated networked entity identifier, etc.

Thus, it can be seen that the Action has misconstrued the terms 'networked entity'" and "networked insurance consumer." Furthermore, neither Stewart nor Peterson contains suggestions of a plan configurator that is hosted on the administrative server that allows registered businesses to access and modify plan data associated with a particular networked entity.

In view of these patentable distinctions, Applicants urge that claim 1 is allowable over the combination of Stewart and Peterson. The other independent claims 16, 31, 46, and 52 also contain the "network entities" and the "product configurator" and should be similarly allowable. Remaining claims should be 2-15, 17-30, 32-45, 47-51, and 53-62 should be allowable as depending from allowable claims. Alternatively, dependent claims 2-3, 11, 17-18, 26, 32-33, 41, and 50 are separately patentable in that neither Stewart nor Peterson (since neither provides a network entity system) discloses customers/business entities access the network entity system.

Applicants further suggest that the one or more of the claims are allowable on other grounds that have not been addressed in the Office Action. For example, the Office Action does not address additional claim limitation not found Claim 1 recites, in part, "whereby *each of said registered insurance consumers* can access data provided by the registered insurance business entity and associated with said RCID and can make *personal* selections on the data, the selections being stored in the administrative server." The claimed invention required storage of each registered insurance consumer's personal selections. Neither Stewart or Peterson teaches or suggests storage of a plurality of personal selections from within each networked entity. Claims 2-15 depend from independent claim 1. Thus, it is respectfully submitted that dependent Claims 2-15 are also distinguishable over the applied references for at least the reasons described above with respect to Claim 1.

Application No. 09/693,437
Amendment dated August 1, 2006

In summary, Applicants respectfully request withdrawal of the rejection of claims 1-62 under 35 U.S.C. 103(a) based on Stewart in view of Peterson and submit that the application now stands in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants submit that this application is in condition for allowance and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this case might be advanced by discussing the application with Applicants' representative, in person, or over the telephone, we would welcome the opportunity to do so.

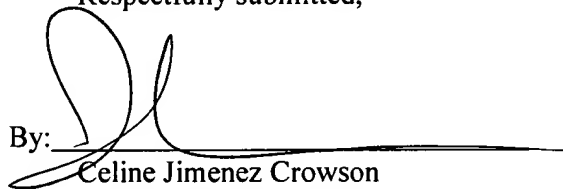
EXCEPT for fees payable under 37 CFR §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit, any overpayment to deposit account No. 50-1349. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 CFR §1.136(a)(3).

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349.

Dated: August 1, 2006

HOGAN & HARTSON LLP
555 13th Street, N.W.
Washington, D.C. 20004
Telephone: 202-637-5600
Facsimile: 202-637-5910
Customer No. 30398

Respectfully submitted,

By: 
Celine Jimenez Crowson
Registration No. 40,357

David D. Nelson
Registration No. 47,818